

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 15, 2023

The Honorable Kay Granger
Chair
House Committee on Appropriations
H-307, The Capitol
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
House Committee on Appropriations
1036 Longworth House Office
Building
Washington, DC 20515

The Honorable Mike Simpson
Chair
House Committee on Appropriations,
Subcommittee on Interior, Environment, and
Related Agencies
2007 Rayburn House Office Building
Washington, DC 20515

The Honorable Chellie Pingree
Ranking Member
House Committee on Appropriations,
Subcommittee on Interior,
Environment, and Related Agencies
1036 Longworth House Office Building
Washington, DC 20515

Dear Chair Granger, Ranking Member DeLauro, Subcommittee Chair Simpson, and Subcommittee Ranking Member Pingree:

One of Congress's most vital responsibilities is holding the Executive Branch accountable to the American people and ensuring federal agencies' decisions remain open and transparent. Congressional hearings are an important tool which elected representatives use to engage directly with Biden administration officials and conduct oversight on policy objectives, openly debate legislation, and spotlight waste, fraud, and abuse occurring in agencies.

Biden administration officials' salaries are paid with dollars appropriated by Congress and ultimately funded by the American taxpayer. These officials have an obligation to be responsive to Congress, engage in the oversight process, and be accountable to the American people.

However, when the House Committee on Natural Resources invited the Chair of the Council on Environmental Quality (CEQ), Brenda Mallory, to participate in a hearing to examine streamlining processes under the National Environmental Policy Act (NEPA) and the Building United States Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act, the Council's leadership made the choice not to appear, answer questions, and ultimately provide accountability for their actions.

The BUILDER Act will provide long-overdue updates and improvements to the National Environmental Policy Act of 1969 (NEPA). NEPA is the establishing statute of CEQ, and CEQ writes many of the regulations that have made NEPA burdensome, costly, and time consuming for projects across America. Even President Biden has admitted that the permitting process needs reform, and yet his own CEQ Chair has covered from being questioned before the Committee. The Committee on Natural Resources would have greatly benefited from the testimony of CEQ as the regulator and implementor of NEPA. Instead, CEQ refused to engage in an opportunity to educate and explain the Biden administration's position on the permitting challenges impacting our nation.

The White House Council on Environmental Quality exists, in their own words, "To improve, preserve, and protect America's public health and environment." However, their recent actions have failed to live up to this noble goal. In addition to their failure to appear at our February hearing, there are numerous examples of CEQ's delinquency and failure to engage with proper congressional oversight. Committee on Natural Resources Republicans sent a letter in October 2022, asking CEQ to provide a list of their rulemakings and the specific congressional authorities for each rule in light of the Supreme Court decision, *West Virginia vs. EPA*. Nearly six months later, we still have yet to receive a response.

The Biden administration's CEQ has extended its influence unchecked into a plethora of issues within the Committee on Natural Resources' jurisdiction ranging from NEPA regulations to the use of aerial fire retardant and policies surrounding the management of "old growth and mature forests." The Committee has heard numerous concerns that CEQ has directed agencies like the Forest Service to oppose legislation protecting the use of aerial fire retardant and conduct wasteful and superfluous reports on "old growth and mature forests" against the wishes and scientific expertise of land managers. The lack of seriousness with which CEQ treats congressional oversight has led the Committee to question whether or not they believe they are even accountable to the American people.

There is no excuse for CEQ's lack of responsiveness to Congressional oversight. In fiscal year (FY) 2023, the agency received \$4.7 million, a \$500,000 increase from the year prior, including \$3.4 million for employee compensation. This does not even account for the \$63 million provided to the agency in the Inflation Reduction Act, which is 15 times the amount the agency receives annual through Congressional appropriations. CEQ has 3 executive level positions and 4 Senate confirmed positions as part of its salaries and expenses. For FY 2024, the agency is requesting roughly \$4.8 million, an increase of nearly \$150,000.

The Biden administration's clear pattern of disregard for congressional oversight indicates entitled leadership, which lacks accountability to the American taxpayer. This disregard for the American people is unacceptable.

It is time to remind Biden administration officials at the CEQ of their obligation to the American people through Congressional oversight via the source of their salaries. Therefore, as you craft appropriations bills for Fiscal Year 2024, I ask that you set CEQ's funding level at FY 2022 levels, consistent with the Limit, Save, Grow Act recently passed by the House. Further, I

ask that you cut \$300,000 in funding for the salaries and expenses of the CEQ's senior leadership.

Thank you for your consideration of this request. If you have any questions, please contact Chris Marklund, House Committee on Natural Resources Deputy Staff Director, at Chris.Marklund@mail.house.gov or Aniela Butler, Staff Director for the Subcommittee on Federal Lands, at Aniela@mail.house.gov.

Sincerely,



Bruce Westerman
Chairman
House Committee on Natural Resources

cc: The Hon. Brenda Mallory, Chair, White House Council on Environmental Quality